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13 IN THE UNITED STATES DISTRICT COURT
14 FOR THE CENTRAL DISTRICT OF CALIFORNIA

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16 UNITED STATES OF AMERICA,

17 Plaintiffs,

18 v.

19 RAYMOND AND DONNIS
HOLBROOK TRUST
20 Defendant.

CIVIL ACTION NO. _____

COMPLAINT

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22 The United States of America, by authority of the Attorney General of the United
23 States and through the undersigned attorneys, acting at the request of the Administrator of
24 the United States Environmental Protection Agency (hereafter "U.S. EPA" or "EPA"), files
25 this complaint and alleges as follows:
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1 NATURE OF THE ACTION

2 1. This is a civil action for injunctive relief and recovery of costs under Sections
3 106(a) and 107 of the Comprehensive Environmental Response, Compensation, and
4 Liability Act ("CERCLA"), 42 U.S.C. §§ 9606(a) and 9607. The United States seeks
5 injunctive relief in order to remedy conditions in connection with the release or threatened
6 release of hazardous substances into the environment at the Waste Disposal, Inc. Superfund
7 Site in Santa Fe Springs, California (hereinafter referred to as the "Site"). The United
8 States also seeks to recover unreimbursed costs incurred and to be incurred for response
9 activities undertaken and to be undertaken at the Site.

10 JURISDICTION AND VENUE

11 2. This Court has jurisdiction over the subject matter of this action, and the
12 Defendants, pursuant to Sections 106(a), 107(a) and 113(b) of CERCLA, 42 U.S.C.
13 §§ 9606(a), 9607(a) and 9613(b), and under 28 U.S.C. §§ 1331 and 1345.

14 3. Venue is proper in this District under Sections 106(a) and 113(b) of CERCLA,
15 42 U.S.C. §§ 9606(a) and 9613(b), and 28 U.S.C. § 1391(b) and (c), because the claims
16 arose, and the threatened and actual releases of hazardous substances occurred, within this
17 judicial district.

18 DEFENDANTS

19 4. The Defendant is a "person," within the meaning of Section 101(21) of
20 CERCLA, 42 U.S.C. § 9601(21).

21 5. The Defendant is a person who owns or operates a part of the Site pursuant to
22 Section 107(a)(1) of CERCLA, 42 U.S.C. § 9607(a)(1).

23 GENERAL ALLEGATIONS

24 6. The Site consists of approximately 38 acres located in an industrial area on the
25 east side of Santa Fe Springs in Los Angeles County, California. The Site is bounded by
26 Santa Fe Springs Road on the northwest, a warehouse and a private high school on the
27 northeast, Los Nietos Road on the southwest, and Greenleaf Avenue on the southeast. A
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1 residential area lies to the east of the Site.

2 7. A forty-two million gallon concrete lined reservoir was constructed in one area
3 of the Site in 1924 and initially used for crude petroleum storage. The reservoir was
4 permitted by Los Angeles County from 1949 until 1964 to receive wastes which included
5 rotary drilling muds, steel mill slag, dry mud cake from oil field sumps, and acetylene
6 sludge. Remedial investigations have shown that disposed materials in the reservoir also
7 included, but were not limited to, the following unpermitted wastes: organic wastes, oil
8 refinery wastes, solvents, and petroleum-related chemicals.

9 8. The Site also consists of parcels of land owned by persons including the
10 Defendant, and hazardous substances were also disposed of on most of these parcels.

11 9. Pursuant to Section 105 of CERCLA, 42 U.S.C. § 9605, EPA placed the Site
12 on the National Priorities List, set forth at 40 C.F.R. Part 300, Appendix B, by publication
13 in the Federal Register on July 22, 1987, 52 Fed. Reg. 27620.

14 10. In response to a release or a substantial threat of a release of hazardous
15 substances at or from the Site, EPA commenced, on December 22, 1987, a Remedial
16 Investigation and Feasibility Study ("RI/FS") for the Site pursuant to 40 C.F.R. § 300.430.
17 EPA completed a Remedial Investigation ("RI") Report in November, 1990 and completed
18 a Feasibility Study ("FS") in 1993. EPA signed a Record of Decision ("ROD") for the Site
19 in 1993.

20 11. The constituents detected in the samples of waste taken from the reservoir
21 included: volatile organic compounds ("VOCs") such as benzene, vinyl chloride, xylene
22 ("BTEX"), trichloroethene ("TCE") and tetrachloroethene ("PCE"); and semi-volatile
23 organic compounds and metals, such as arsenic, chromium, copper and lead. The same
24 constituents were also detected in the soils both inside the reservoir and in localized areas
25 outside the reservoir, including near some on-site buildings. The same constituents, as
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1 well as methane, were also detected in soil vapor monitoring wells installed at the Site
2 during the RI .

3 12. The aforementioned VOCs such as benzene, vinyl chloride, xylene ,
4 trichloroethene and tetrachloroethene; and semi-volatile organic compounds and metals,
5 such as arsenic, chromium, copper and lead are "hazardous substances" as defined in
6 Section 101(14) of CERCLA, 42 U.S.C. § 9601(14).

7 13. EPA determined that subsequent investigation and design activities indicated a
8 need to revise the remedy and EPA and the Defendants undertook additional RI/FS
9 activities.

10 14. A Supplemental Feasibility Study ("SFS") Report was completed in May,
11 2001.

12 15. Pursuant to Section 117 of CERCLA, 42 U.S.C. § 9617, EPA published notice
13 of the completion of the SFS and of the proposed plan for remedial action on May 31,
14 2001, in a major local newspaper of general circulation. EPA provided an opportunity for
15 written and oral comments from the public on the proposed plan for remedial action. A
16 copy of the transcript of the public meeting is available to the public as part of the
17 administrative record upon which the Regional Administrator based the selection of the
18 response action.

19 16. The decision by EPA on the remedial action to be implemented at the Site is
20 embodied in a final Amended Record of Decision, executed on June 21, 2002. The
21 Amended ROD includes a responsiveness summary to the public comments. Notice of the
22 final plan was published in accordance with Section 117(b) of CERCLA.

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2 17. The Amended ROD provides for a remedy which includes the following:
3 installation of a cap over the reservoir; installation of capping systems for the areas
4 containing waste materials and soil gas outside the reservoir; installation of a gas
5 collection, extraction and treatment system beneath the cap; installation of a liquids
6 collection system in the reservoir; engineering controls at and/or within existing and new
7 buildings; soil vapor extraction systems and/or gas monitoring systems; groundwater
8 monitoring; and institutional controls.

9 18. The Amended ROD is consistent with CERCLA and the National Contingency
10 Plan, 40 C.F.R. Part 300.

11 19. There were and are "releases" within the meaning of Section 101(22) of
12 CERCLA, 42 U.S.C. §9601 (22), as well as the threat of continuing releases of hazardous
13 substances, into the environment at and from the Site.

14 20. The Site is a "facility" within the meaning of Section 101(9) of CERCLA,
15 42 U.S.C. § 9601.

16 FIRST CLAIM FOR RELIEF

17 21. Paragraphs 1-20 are realleged and incorporated herein by reference.

18 22. Section 106(a) of CERCLA, 42 U.S.C. § 9606(a), provides in pertinent part:

19 In addition to any other action taken by a State or local government, when
20 the President determines that there may be an imminent and substantial
21 endangerment to the public health or welfare or the environment because of
22 an actual or threatened release of a hazardous substance from a facility, he
23 may require the Attorney General of the United States to secure such relief
as may be necessary to abate such danger or threat, and the district court of
the United States in the district in which the threat occurs shall have
jurisdiction to grant such relief as the public interest and the equities of the
case may require.

24 23. By Executive Order 12580 of January 23, 1987, the President's functions under
25 106(a) of CERCLA, 42 U.S.C. 9606(a), have been delegated to the Administrator of EPA.

24. EPA has determined that there is or may be an imminent and substantial endangerment to the public health or welfare or the environment because of actual or threatened releases of hazardous substances from the Site.

25. The Defendants each are liable for the injunctive relief to which the United States is entitled at the Site under Section 106(a) of CERCLA, 42 U.S.C. § 9606(a).

SECOND CLAIM FOR RELIEF

26. Paragraphs 1-20 are realleged and incorporated herein by reference.

27. Section 107(a) of CERCLA, 42 U.S.C. § 9607(a), provides, in pertinent part:

(1) the owner and operator of a vessel or a facility,

...

(4) ... from which there is a release, or a threatened release which causes the incurrence of response costs, of a hazardous substance, shall be liable for --

(A) all costs of removal or remedial action incurred by the United States Government . . . not inconsistent with the national contingency plan.

28. The United States has incurred and will continue to incur costs of removal and remedial actions not inconsistent with the National Contingency Plan to respond to the release or threatened release of hazardous substances at and from the Site, within the meaning of Section 101(23), (24), and (25) of CERCLA, 42 U.S.C. § 9601(23), (24), and (25).

29. The Defendant is liable to the United States for all response costs, including the costs of removal and remedial actions, incurred in the past or to be incurred in the future by the United States with respect to the Site, plus interest on the response costs, pursuant to Section 107(a) of CERCLA, 42 U.S.C. § 9607(a).

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1. Order the Defendant to abate the threat posed by the release or threatened release of hazardous substances by performing the remedy selected by EPA in the Amended ROD.

3. Award the United States a declaratory judgment that the Defendant is liable for all future costs incurred by the United States in connection with the Site.

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